

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

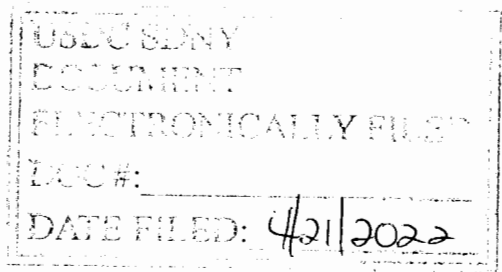
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MOSES ERVINE,

Petitioner,

-against-

JOSEPH T. SMITH,

Respondent.
-----X



15 CIVIL 9419 (ER)(SDA)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated April 12, 2022, Magistrate Judge Aaron's Report is adopted in its entirety, and Ervine's Petition for a writ of habeas corpus is DENIED. As Ervine has not made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c); see also, e.g., *Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York

April 21, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

X mango

Deputy Clerk